



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

LVO/169174

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 03, 2015, under Wis. Admin. Code § DCF 201.07(1)(e), to review a decision by the Milwaukee Early Care Administration - MECA in regard to Other, a hearing was held on October 22, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the Petitioner's appeal is timely and, if so, whether the agency properly issued a notice of levy to the Petitioner for an unpaid public assistance debt.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, Wisconsin 53703

By: Keisha Love

Milwaukee Early Care Administration - MECA  
Department of Children And Families  
1220 W. Vliet St. 2nd Floor, 200 East  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On May 27 and 28, 2014, the agency issued Child Care Client Overpayment Notices and worksheets to the Petitioner at her last-reported address on [REDACTED] informing her that

the agency intends to recover an overissuance of child care benefits in the amount of \$2,015.25 for the period of September 1, 2013 – November 30, 2013. The notice also informed the Petitioner of the right to appeal by filing a request for a hearing within 45 days of the date of the notice.

3. On July 2, 2014, August 4, 2014 and September 3, 2014, the agency issued dunning notices to the Petitioner at her last-reported address on [REDACTED].
4. On November 8, 2014, the agency issued a Public Assistance Collection Unit Levy to the Petitioner at her last-reported address on [REDACTED]. The notice advised the Petitioner of the right to appeal by filing a request for a hearing within 21 days of the date of the notice.
5. On October 3, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

A hearing officer can only rule on the merits of a case if there is jurisdiction to do so. There is no jurisdiction if a hearing request is untimely. An appeal of an action by an agency concerning recovery of child care benefits must be filed within 45 days of the date of the action. Wisconsin Shares Child Care Manual, Section 3.5.3. An appeal of a levy action be filed within 21 days of the date of the notice. Wis. Stats., § 49.195.

In this case, the Petitioner testified that she did not receive the notices because she had moved from [REDACTED]. She testified she moved to her father's home in November, 2014. This does not explain why she would not have received the earlier notices of the overpayment and the dunning notices. She conceded at the hearing that she never reported a change in address to the agency. It is the responsibility of the Petitioner to report any changes in address to the agency in a timely manner so that she receives notices.

Based on the evidence, I conclude the Petitioner's appeal is untimely on the overpayment and levy actions. Thus, no jurisdiction exists for considering the merits of the case.

### **CONCLUSIONS OF LAW**

The Petitioner's appeal is untimely.

**THEREFORE, it is**

**ORDERED**

That the Petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

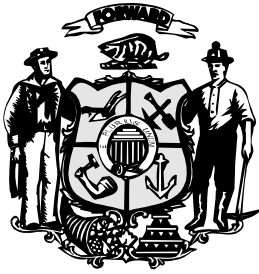
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 22nd day of January, 2016

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 22, 2016.

Milwaukee Early Care Administration - MECA  
Public Assistance Collection Unit